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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF WASHINGTON
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6 STERLING SAVINGS BANK,

7 Plaintiff,

8 vs.
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10 CLARK COUNTY BANKCORPORATION,
11 et al.,

12 Defendant.

NO. CV-11-0224-JLQ

**SUPPLEMENTAL ORDER ON
FDIC'S MOTION TO DISMISS**

13 FEDERAL DEPOSIT INSURANCE
14 CORPORATION,

15 Intervenor-Plaintiff,

16 vs.
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18 MICHAEL C. WORTHY, et al.,

19 Intervenor-Defendants.

20 In the court's October 13, 2011 Memorandum Opinion and Order (ECF No. 81),
21 the court reserved ruling on a portion of the FDIC's Motion to Dismiss (ECF No. 42).
22 Having considered the Supplemental Response requested by the court and filed by
23 Sterling Savings (ECF No. 82), the court now **DENIES** that portion of the Motion to
24 Dismiss (**ECF No. 42**) previously reserved.

25 The Supplemental Response has clarified that Sterling Savings is asserting a
26 claim of direct harm to the Holding Company caused by the Bank officers, separate from
27 the derivative harm to the Bank. Accordingly, the FDIC is not entitled to dismissal of
28 Sterling Savings' creditor claims against the individual officers and directors of the

1 Bank.

2 IT IS SO ORDERED.

3 The Clerk is hereby directed to enter this Order and furnish copies to counsel.

4 Dated November 22, 2011.

5 s/ Justin L. Quackenbush
6 JUSTIN L. QUACKENBUSH
7 SENIOR UNITED STATES DISTRICT JUDGE
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